REMARKS

The Examiner is provided with a copy of a previously submitted Information Disclosure Statement (Attachment A). The Information Disclosure Statement makes of record references cited in the parent case, Application Serial No. 09/088,459, filed June 1, 1998, now abandoned. A copy of the postcard acknowledging receipt of the Information Disclosure Statement by the Patent and Trademark Office is also provided (Attachment B). The Information Disclosure Statement was not acknowledged in the last office action.

The Examiner notes that references cited in the specification that do not appear on form PTO-892 as being cited by the Examiner have not been considered. A supplemental Information Disclosure Statement accompanies this Amendment. The Statement seeks to make of record references cited in the specification, as well as additional references.

The Examiner's attention is directed to related application Serial No. 09/420,529 (the '529 case), filed October 19, 1999, entitled "Expandable Preformed Structures for Deployment in Interior Body Regions," currently pending before Examiner D. Reip, Art Group 3731. The documents listed on Applicant's Information Disclosure Statements in this case are also listed on the Information Disclosure Statements submitted in the related '529 case.

The priority claim has been amended to claim the benefit of commonly owned Application Serial No. 08/788,786 (the '786 Application), now U.S. 6,235,043, which was copending at the time the instant application was filed. Through its progeny, the '786 Application is entitled to an effective filing date of January 26, 1994. Karen Talmadge is an inventor common to this case and the '786 Application and its progeny.

New claims 92-94 are submitted for prosecution. Support for this subject matter can be found in the specification at Page 15, Lines 21-35 through Page 18, Lines 1-3.

Claims 80, 87 and 90 have been amended to clarify that the expandable structure or region is preformed to define first, second and third areas having, respectively, first, second, and third preformed average wall thicknesses. In compliance with 37 C.F.R. §121(c)(3), a clean version of the entire set of pending claims is being submitted, as is a marked-up version showing changes in the amended claims relative to the previous version of the claims.

Claims 80-94 remain in the application. Of these, claims 80, 87 and 90 are independent apparatus claims.

Claims 80-82, 84-88, and 90-91 are rejected under 35 U.S.C. §102(e) as anticipated by Reiley et al. WO 95/20362 (Reiley WO 95/20362). Claims 83 and 89 are rejected under 35 U.S.C. §103(a) over Reiley et al. WO 95/20362 in view of Reiley et al. WO 98/56301 (Reiley WO

98/56301). Applicant's claim for priority based upon the '786 Application removes Reiley WO 95/20362 and Reiley WO 98/56301 as prior art references to this application.

Reconsideration in view of the foregoing amendments and remarks and allowance of claims 80-94 is respectfully requested.

Respectfully submitted,

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Marked-Up Version of Amended Priority Claim

This application is a continuation of co-pending application Serial No. 09/088,459, filed June 1, 1998 (now abandoned). This application also claims the benefit of application Serial No. 08/788,786, filed January 23, 1997 (now U.S. Patent No. 6, 235,043), which is a continuation of application Serial No. 08/188,224, filed January 26, 1994 (now abandoned).

Marked-Up Version of Amended Claims 80, 87 and 90

80 (Amended). A device for compacting cancellous bone comprising a wall made from a flexible material resistant to abrasion by cancellous bone, the wall peripherally defining an interior space and including an expandable region preformed with a normally expanded shape outside bone, the expandable region having proximal and distal ends, the expandable region further having a first expanded section having an interior cross-sectional area adjacent the proximal end, a second expanded section having an interior cross-sectional area adjacent the distal end, and a third section having an interior cross-sectional area located between the first and second expanded sections, the interior cross-sectional area of the third section being less than the interior cross-sectional area of either the first or second expanded sections, and the first expanded section, the second expanded section, and the third expanded section further having, respectively, a first preformed average wall thickness, a second preformed average wall thickness, and a third preformed average wall thickness, and the third average wall thickness being greater than either the first average wall thickness or the second average wall thickness.

87 (Amended). A device for manipulating bone comprising a[n] preformed expandable structure having a wall material peripherally defining an interior space, the wall material being resistant to abrasion by cancellous bone, the structure having a proximal and a distal end, the structure further having a first expandable region located near the distal end and a second expandable region located proximally of the first expandable region, the first and second expandable regions separated by a third region of the structure, the third region having a reduced cross-sectional area as compared to the cross-sectional areas of the first and second regions, and the first expandable region, the second expandable region, and the third expandable region further having, respectively, a first preformed average wall thickness, a second preformed average wall thickness, and a third preformed average wall thickness, and the third average wall thickness being greater than either the first average wall thickness or the second average wall thickness.

90 (Amended). A device for compacting cancellous bone comprising a wall made from a flexible material resistant to abrasion by cancellous bone, the wall peripherally defining an interior space and including a[n] preformed expandable region, the expandable region having proximal and distal ends, the expandable region further having a first expanded section adjacent the distal end, a second expanded section located proximally of the first expanded section, and a third section located between the first and second expanded sections, wherein the average outer diameter of the

third section is less than the average outer diameter of either of the first or second expanded sections, and the first expandable region, the second expandable region, and the third expandable region further having, respectively, a first preformed average wall thickness, a second preformed average wall thickness, and a third preformed average wall thickness, and the third average wall thickness being greater than either the first average wall thickness or the second average wall thickness.